



# PUBLIC NOTICE

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**WIRELESS TELECOMMUNICATIONS BUREAU AND PUBLIC SAFETY AND  
HOMELAND SECURITY BUREAU REMIND 5.9 GHZ BAND ITS LICENSEES OF  
THE JULY 5, 2022, DEADLINE TO TRANSITION OUT OF THE 5850-5895 MHZ  
PORTION OF THE BAND AND THE JULY 20, 2022, DEADLINE TO NOTIFY THE  
BUREAUS OF THE TRANSITION**

**ET Docket No. 19-138**

Consistent with the *5.9 GHz First Report and Order*,<sup>1</sup> the Wireless Telecommunications Bureau and the Public Safety and Homeland Security Bureau (the Bureaus) remind part 90 intelligent transportation system (ITS) licensees operating in the 5.850-5.925 GHz band (5.9 GHz Band) of the date by which existing ITS operations must cease use of the 5850-5895 MHz portion (lower 45 megahertz) of the 5.9 GHz Band and of the date by which ITS part 90 licensees must certify with the Bureaus that they have ceased operating in the 5850-5895 MHz portion of the band.<sup>2</sup> In the *5.9 GHz First Report and Order*, the Commission gave current ITS licensees authorized to operate in the 5.9 GHz Band one year from the July 2, 2021 effective date of the *5.9 GHz First Report and Order* to vacate the lower 45 megahertz of that band and eliminated the Bureaus' regulatory authority to accept, process, and grant license applications that specify use of the 5850-5895 MHz band segment.<sup>3</sup> The Commission also required ITS licensees to provide notice to the Bureaus that they have ceased operating in the 5850-5895 MHz portion of the band within 15 days of the expiration of the transition deadline.<sup>4</sup> Accordingly, ITS licensees will no longer be authorized to operate in the lower 45 megahertz of the band as of July 5, 2022, and must transition out of that portion of the band on or before that date.<sup>5</sup> ITS licensees must also certify with the Bureaus on or before July 20, 2022, that they have ceased operating in the 5850-5895 MHz portion of the band.<sup>6</sup>

In the *5.9 GHz First Report and Order*, the Commission adopted rules that repurposed the lower 45 megahertz (5850-5895 MHz) of the 5.9 GHz Band for the expansion of unlicensed mid-band spectrum

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<sup>1</sup> *Use of the 5.850-5.925 GHz Band*, ET Docket No. 19-138, First Report and Order, Further Notice of Proposed Rulemaking, and Order of Proposed Modification, 35 FCC Rcd 13440 (2020). We herein may refer to each individually as the *5.9 GHz First Report and Order*, the *Further Notice of Proposed Rulemaking*, and the *5.9 GHz Order of Proposed Modification*.

<sup>2</sup> See *5.9 GHz First Report and Order*, 35 FCC Rcd at 13461, 13463, paras. 48, 52.

<sup>3</sup> See *id.* at 13461, para. 48.

<sup>4</sup> *Id.* at 13463, para. 52; see also 47 CFR § 90.372(a).

<sup>5</sup> The one-year period from the *5.9 GHz First Report and Order* effective date of July 2, 2021, falls on Saturday, July 2, 2022, and is on a holiday weekend. Accordingly, the date established in the rules, 47 CFR § 90.372, is Tuesday, July 5, 2022, the succeeding Federal business day. See 47 CFR §§ 1.4(j), 1.4(l).

<sup>6</sup> See 47 CFR § 90.372(a).

operations, while continuing to dedicate the upper 30 megahertz (5895-5925 MHz) portion of the band for ITS operations.<sup>7</sup> The Commission also ordered that ITS services transition from dedicated short-range communications (DSRC) based technology to cellular vehicle to everything (C-V2X) based technology.<sup>8</sup> The Commission modified all existing part 90 ITS licenses to provide that after the end of the one-year transition period, operation will be permitted only in the upper 30 megahertz portion of the 5.9 GHz Band.<sup>9</sup> The Commission further modified all existing part 90 ITS licenses to add the 5895-5925 MHz band segment to the channels on which each roadside unit (RSU) is authorized to operate.<sup>10</sup>

**Licensees must notify the Bureaus.** Further, all ITS part 90 licensees, whether they possess registered RSUs or not, must certify with the Bureaus on or before July 20, 2022,<sup>11</sup> that they have ceased operating in the 5850-5895 MHz portion of the band and, as applicable, successfully transitioned to the upper 30 megahertz of spectrum in the 5895-5925 MHz band segment of the 5.9 GHz Band.<sup>12</sup> Continued operation in the lower 45 megahertz of the band after July 5, 2022, will result in automatic termination, by rule, of the entire license, without the need for further Commission action.<sup>13</sup>

To comply with the notification requirement established by the *5.9 GHz First Report and Order*, part 90 ITS licensees must electronically submit an administrative update application (FCC Form 601) using the Commission's Universal Licensing System (ULS).<sup>14</sup> The licensee must add an attachment to its application (attachment type – "5.9 GHz Transition Notification") certifying that it has transitioned its operations out of the lower 45 megahertz portion of the 5.9 GHz Band and is only operating in the 5895-5925 MHz band segment.<sup>15</sup> There is no need for licensees to make further ULS filings to reflect their exit

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<sup>7</sup> *5.9 GHz First Report and Order*, 35 FCC Rcd at 13441, para. 1.

<sup>8</sup> *Id.* at 13441, para. 1, and 13446, para. 13. The Commission proposed that the transition of ITS operations from DSRC based technology to C-V2X based technology would occur according to a timeline to be determined in a future Report and Order. *See Further Notice of Proposed Rulemaking*, 35 FCC Rcd at 13499-508, paras. 146-168.

<sup>9</sup> *5.9 GHz First Report and Order*, 35 FCC Rcd at 13462-63, para 51.

<sup>10</sup> *Id.*

<sup>11</sup> DSRCs licensees authorized pursuant to 47 CFR § 90.370(b) must notify the Commission that as of the transition deadline of July 5, 2022, they have ceased operating in the 5850-5895 MHz portion of the band. This notification must be filed via ULS within 15 days of the expiration of the transition deadline. 47 CFR § 90.372(a).

<sup>12</sup> *5.9 GHz First Report and Order*, 35 FCC Rcd at 13463, para. 52.

<sup>13</sup> 47 CFR § 90.372(b).

<sup>14</sup> The Commission does not require a fee for administrative updates. For more detailed instructions on how to submit an administrative update application, access the following link:  
<https://www.fcc.gov/wireless/support/universal-licensing-system-uls-resources/updating-administrative-information>.

<sup>15</sup> Alternatively, applicants may also submit their 5.9 GHz Transition Notification as a modification application following the same procedures for attachments noted above. Modification applications filed solely to notify the Commission that you have exited the lower portion of the band are fee exempt pursuant to 47 CFR §§ 1.1116(a) and 1.1162(i) of the Commission's rules. The applicant filling out FCC Form 601 must enter 'yes' in response to Items 9 (exempt from the application fee) and 10 (exempt from the regulatory fee). In addition, the applicant must respond 'yes' to Item 8 on Form 601 (attachment being filed) and submit an attachment explaining why the application is fee exempt. Applicants are instructed to use the 'fee exemption' attachment type. The Bureaus recommend that licensees reference sections 1.1116(a) and 1.1162(i) in the attachment explanation field and indicate that the filing was made exclusively to comply with the Commission's 5.9 GHz transition requirement. For more detailed instructions on how to include the notification with a modification application, access the following link:  
<https://www.fcc.gov/wireless/support/universal-licensing-system-uls-resources/modifying-license-universal-licensing>.

from the lower 45 megahertz (the Bureaus will update ULS following the transition date).<sup>16</sup> Licensees, however, must modify their licenses when adding new DSRC transmitter locations to operate in the upper 30 megahertz.<sup>17</sup>

Questions regarding ULS filing procedures should be directed to the ULS online filing support hotline at 877-480-3201.

By the Acting Chief, Wireless Telecommunications Bureau, and the Chief, Public Safety and Homeland Security Bureau.

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<sup>16</sup> *5.9 GHz First Report and Order*, 35 FCC Rcd at 13463, para. 52. RSU licensees registered as of the effective date of the rules adopted in the *5.9 GHz First Report and Order* will have the authority to operate in the upper 30 megahertz segment of the band without any Commission action or additional filings by the licensee. *See id.* If the licensee wishes to have these channels specifically listed on their RSUs, they may file a modification in ULS to add them.

<sup>17</sup> For the time being, and until the Commission renders a decision on the rule changes proposed in the *5.9 GHz Further Notice of Proposed Rulemaking*, operations will continue under the DSRC rules. The Commission has invited any C-V2X early adopters to seek waivers either through a streamlined process, or through our normal Section 1.925 waiver process. *See 5.9 GHz First Report and Order*, 35 FCC Rcd at 13464, para. 55; *see also Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Provide Guidance for Waiver Process to Permit Intelligent Transportation System Licensees to Use C-V2X Technology in the 5.895-5.925 GHz Band*, Public Notice, DA 21-962 (WTB, PSHSB rel. Aug. 6, 2021), at 2.